

109TH CONGRESS  
1ST SESSION

# S. 510

To reduce and eliminate electronic waste through recycling.

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IN THE SENATE OF THE UNITED STATES

MARCH 3, 2005

Mr. WYDEN (for himself and Mr. TALENT) introduced the following bill; which  
was read twice and referred to the Committee on Finance

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## A BILL

To reduce and eliminate electronic waste through recycling.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Electronic Waste Recy-  
5       cling Promotion and Consumer Protection Act”.

6       **SEC. 2. FINDINGS.**

7       Congress finds that—

8               (1) the National Safety Council estimates  
9       that—

10               (A) in 2003, over 60,000,000 personal  
11       computers became obsolete and between 1997

1           and 2007 more than 500,000,000 computers  
2           will need to be discarded; and

3                 (B) at an average weight of 70 pounds,  
4           this will result in over 6,300,000,000 pounds of  
5           plastic and 1,600,000,000 pounds of lead added  
6           to the supply of waste needing to be managed;

7           (2) according to the Environmental Protection  
8   Agency—

9                 (A) a computer monitor or television set  
10          generally contains 4 to 8 pounds of lead;

11                (B) mercury, cadmium, and other heavy  
12          metals are generally used in such equipment as  
13          well; and

14                (C) households and businesses in the  
15          United States often do not discard older com-  
16          puters and televisions when buying newer  
17          versions of the same products;

18           (3) according to experts, the average household  
19          may have between 2 and 3 older computers and tele-  
20          visions in storage, and approximately 20,000,000 to  
21          24,000,000 computers and televisions are placed in  
22          storage each year;

23           (4) according to the Environmental Protection  
24          Agency, discarded computer, television, and other  
25          electronic equipment—

1 (A) when not discarded in large quantities,  
2 is currently managed in most States as munic-  
3 ipal solid waste, just like ordinary trash; and

4 (B) constitute 40 percent of the lead and  
5 70 percent of the heavy metals that are found  
6 in landfills and, if not handled properly, can be  
7 released into the environment, contaminating  
8 air and groundwater and posing a significant  
9 threat to human health, including potential  
10 damage to kidney, brain, and nervous system  
11 function, and cancer in cases of excessive expo-  
12 sure;

13 (5) materials used in computers, televisions,  
14 and similar electronic products can be recovered  
15 through recycling, which conserves resources and  
16 minimizes the potentially harmful human and envi-  
17 ronmental health effects of those materials; and

18 (6) establishing a nationwide infrastructure for  
19 electronic waste recycling will—

20 (A) facilitate access of people in the United  
21 States to recycling services; and

22 (B) improve the efficiency and use of elec-  
23 tronic waste recycling.

24 **SEC. 3. DEFINITIONS.**

25 In this Act:

1           (1) ADMINISTRATOR.—The term “Adminis-  
2           trator” means the Administrator of the Environ-  
3           mental Protection Agency.

4           (2) CATHODE RAY TUBE.—The term “cathode  
5           ray tube” means a vacuum tube used to convert an  
6           electronic signal into a visual image, for use in a  
7           computer monitor, television, or other piece of elec-  
8           tronic equipment.

9           (3) COMPUTER.—

10           (A) IN GENERAL.—The term “computer”  
11           means an electronic, magnetic, optical, electro-  
12           chemical, or other high speed data processing  
13           device that performs logical, arithmetic, or stor-  
14           age functions.

15           (B) EXCLUSIONS.—The term “computer”  
16           does not include an automated typewriter or  
17           typesetter, video game console, portable hand  
18           held calculator, personal digital assistant, cel-  
19           lular telephone, or other similar device.

20           (4) CONSUMER.—The term “consumer”  
21           means—

22           (A) an occupant of a single, detached  
23           dwelling unit or a single unit of a multiple  
24           dwelling unit who—

(i) has used a computer monitor, a television, or another piece of electronic equipment that contains a display screen or a system unit; and

(ii) used the equipment described in subparagraph (A) at the dwelling unit of the occupant; and

(B) a commercial, educational, or other entity that discarded for recycling not more than 20 display screens or system units per year during the previous 5 years.

(5) DISPLAY SCREEN—

(A) IN GENERAL.—The term “display screen” means a cathode ray tube, flat panel screen, or other similar video display device with a screen size of greater than 4 inches, measured diagonally.

(B) EXCLUSION.—The term “display screen” does not include commercial or industrial equipment, or household appliances, that contain—

(i) a cathode ray tube;

(ii) a flat panel screen; or

(iii) another similar video device.

1           (6) HAZARDOUS WASTE.—The term “hazardous  
2       waste” has the meaning given the term in section  
3       1004 of the Solid Waste Disposal Act (42 U.S.C.  
4       6903).

5           (7) RECYCLE.—The term “recycle” means the  
6       performance of a process by 1 or more persons by  
7       which a display screen or a system unit is—

8                   (A) sorted;

9                   (B) if necessary, transported;

10                  (C) to the maximum extent practicable,  
11       separated to recover any component or com-  
12       modity inside the display screen or system unit  
13       that can be reduced to raw materials or prod-  
14       ucts; and

15                  (D) treated such that any remaining mate-  
16       rial is disposed of properly and in an environ-  
17       mentally sound manner consistent with the  
18       Solid Waste Disposal Act (42 U.S.C. 6901 et  
19       seq.).

20           (8) SYSTEM UNIT.—The term “system unit”  
21       means—

22                  (A) the casing or portion of a computer  
23       that contains the central processing unit, which  
24       performs the primary quantity of data proc-  
25       essing; and

1 (B) the unit that, together with the mem-  
 2 ory, forms the central part of the computer, to  
 3 which peripheral devices may be attached.

4 (9) UNIVERSAL WASTE.—The term “universal  
 5 waste” has the meaning given the term in the Envi-  
 6 ronmental Protection Agency Standards of Universal  
 7 Waste Management established under section 273 of  
 8 title 40, Code of Federal Regulations (and successor  
 9 regulations).

10 **SEC. 4. CREDIT FOR RECYCLING ELECTRONIC WASTE.**

11 (a) IN GENERAL.—Subpart B of part IV of sub-  
 12 chapter A of chapter 1 of the Internal Revenue Code of  
 13 1986 is amended by adding at the end the following new  
 14 section:

15 **“SEC. 30B. CREDIT FOR RECYCLING ELECTRONIC WASTE.**

16 “(a) ALLOWANCE OF CREDIT.—In the case of an eli-  
 17 gible taxpayer, there shall be allowed as a credit against  
 18 the tax imposed by this chapter for the taxable year an  
 19 amount equal to \$8 per unit of qualified electronic waste  
 20 that is collected from consumers and recycled.

21 “(b) ELIGIBLE TAXPAYER.—For purposes of this  
 22 section, the term ‘eligible taxpayer’ means any person  
 23 which—

24 “(1) collects from consumers and recycles, or  
 25 arranges for the recycling of, not less than 5,000

1 units of qualified electronic waste during that per-  
 2 son's taxable year,

3 “(2) submits with the person's tax return docu-  
 4 mentation of the final destination of all units of elec-  
 5 tronic waste collected from consumers during the  
 6 person's taxable year for the purpose of recycling,  
 7 and

8 “(3) certifies that all reclamation and recycling  
 9 carried out by the person was performed by an eligi-  
 10 ble recycler.

11 “(c) DEFINITIONS.—For purposes of this section—

12 “(1) QUALIFIED ELECTRONIC WASTE.—The  
 13 term ‘qualified electronic waste’ means any display  
 14 screen or any system unit.

15 “(2) CONSUMER, DISPLAY SCREEN; RECYCLE;  
 16 SYSTEM UNIT.—The terms ‘consumer’, ‘display  
 17 screen’, ‘recycle’, and ‘system unit’ have the mean-  
 18 ing given the terms by section 3 of the Electronic  
 19 Waste Recycling Promotion and Consumer Protec-  
 20 tion Act.

21 “(d) DISALLOWANCE OF CREDIT.—No credit shall be  
 22 allowed under this section for recycling a unit of qualified  
 23 electronic waste which is collected from a consumer in a  
 24 State which has adopted and implemented a statewide pro-  
 25 gram in accordance with State law which mandates or pro-



1 vides incentives for recycling electronic waste, including a  
 2 mandatory per-unit, upfront charge to consumers for the  
 3 purpose of recycling electronic waste.

4 “(e) FINAL REGULATIONS.—

5 “(1) IN GENERAL.—Not later than the date  
 6 which is 180 days after the date of the enactment  
 7 of this section, the Secretary, after consultation with  
 8 the Administrator of the Environmental Protection  
 9 Agency, shall issue such final regulations as may be  
 10 necessary and appropriate to carry out this section.

11 “(2) INCLUSION.—

12 “(A) IN GENERAL.—Subject to subpara-  
 13 graph (B), the regulations issued under para-  
 14 graph (1) shall include—

15 “(i) requirements for certifying recy-  
 16 clers as eligible to recycle qualified elec-  
 17 tronic waste,

18 “(ii) requirements to ensure that all  
 19 recycling of qualified electronic waste is  
 20 performed in a manner that is safe and en-  
 21 vironmentally sound, and

22 “(iii) a provision which allows a tax  
 23 credit under this section to be shared by 2  
 24 or more eligible taxpayers, provided that  
 25 the total tax credit for a unit of electronic

1 waste under this section does not exceed  
 2 \$8.

3 “(B) LIMITATION.—The Secretary shall  
 4 not certify a recycler as eligible under this sub-  
 5 section unless the recycler is—

6 “(i) a taxpayer, or

7 “(ii) a State or local government.

8 “(f) TERMINATION.—This section shall not apply  
 9 with respect to any unit of qualified electronic waste which  
 10 is recycled after the date which is 3 years after the date  
 11 on which the final regulations issued pursuant to subpara-  
 12 graph (e) take effect.”.

13 (b) CONFORMING AMENDMENT.—The table of sec-  
 14 tions for subpart B of part IV of subchapter A of chapter  
 15 1 of the Internal Revenue Code of 1986 is amended by  
 16 adding at the end the following new item:

“Sec. 30B. Credit for recycling electronic waste.”.

17 (c) EFFECTIVE DATE.—The amendments made by  
 18 this section shall apply with respect to display screens and  
 19 system units recycled after the date on which the final  
 20 regulations issued pursuant to section 30B of subpart B  
 21 of part IV of subchapter A of chapter 1 of the Internal  
 22 Revenue Code of 1986 (as added by this section) take ef-  
 23 fect.

1 **SEC. 5. CONSUMER CREDIT FOR RECYCLING ELECTRONIC**  
 2 **WASTE.**

3 (a) IN GENERAL.—Subpart A of part IV of sub-  
 4 chapter A of chapter 1 of the Internal Revenue Code of  
 5 1986 is amended by inserting after section 25B the fol-  
 6 lowing new section:

7 **“SEC. 25C. CONSUMER CREDIT FOR RECYCLING ELEC-**  
 8 **TRONIC WASTE.**

9 “(a) ALLOWANCE OF CREDIT.—In the case of an eli-  
 10 gible consumer, there shall be allowed as a credit against  
 11 the tax imposed by this chapter for the taxable year an  
 12 amount equal to \$15 for the recycling of 1 or more units  
 13 of qualified electronic waste.

14 “(b) ELIGIBLE CONSUMER.—For purposes of this  
 15 section, the term ‘eligible consumer’ means any indi-  
 16 vidual—

17 “(1) with respect to whom a credit under this  
 18 section has not been allowed in any preceding tax-  
 19 able year, and

20 “(2) who submits with the individual’s tax re-  
 21 turn such information as the Secretary requires to  
 22 document that each unit of qualified electronic waste  
 23 was recycled by a recycler certified by the Secretary  
 24 pursuant to subsection (d).

25 “(c) DEFINITIONS.—For purposes of this section—

1           “(1) QUALIFIED ELECTRONIC WASTE.—The  
2           term ‘qualified electronic waste’ means any display  
3           screen or any system unit.

4           “(2) CONSUMER, DISPLAY SCREEN; RECYCLE;  
5           SYSTEM UNIT.—The terms ‘consumer’, ‘display  
6           screen’, ‘recycle’, and ‘system unit’ have the mean-  
7           ing given the terms by section 3 of the Electronic  
8           Waste Recycling Promotion and Consumer Protec-  
9           tion Act.

10          “(d) FINAL REGULATIONS.—

11           “(1) IN GENERAL.—Not later than the date  
12           which is 180 days after the date of the enactment  
13           of this section, the Secretary, after consultation with  
14           the Administrator of the Environmental Protection  
15           Agency, shall issue such final regulations as may be  
16           necessary and appropriate to carry out this section.

17           “(2) INCLUSION.—

18           “(A) IN GENERAL.—Subject to subpara-  
19           graph (B), the regulations issued under para-  
20           graph (1) shall include—

21                   “(i) requirements for certifying recy-  
22                   clers as eligible to recycle qualified elec-  
23                   tronic waste, and

24                   “(ii) requirements to ensure that all  
25                   recycling of qualified electronic waste is

1 performed in a manner that is safe and en-  
 2 vironmentally sound.

3 “(B) LIMITATION.—The Secretary shall  
 4 not certify a recycler as eligible under this sub-  
 5 section unless the recycler is—

6 “(i) a taxpayer, or

7 “(ii) a State or local government.

8 “(e) TERMINATION.—This section shall not apply  
 9 with respect to any unit of qualified electronic waste which  
 10 is recycled after the date which is 3 years after the date  
 11 on which the final regulations issued pursuant to sub-  
 12 section (d) take effect.”.

13 (b) CONFORMING AMENDMENTS.—

14 (1) Section 26(a)(1) of the Internal Revenue  
 15 Code of 1986 is amended by striking “and 25B”  
 16 and inserting “25B, and 25C”.

17 (2) The table of sections for subpart A of part  
 18 IV of subchapter A of chapter 1 of such Code is  
 19 amended by inserting after the item relating to sec-  
 20 tion 25B the following new item:

“Sec. 25C. Consumer credit for recycling electronic waste.”.

21 (c) EFFECTIVE DATE.—The amendments made by  
 22 this section shall apply with respect to display screens and  
 23 system units recycled after the date on which the final  
 24 regulations issued pursuant to section 30B of subpart A  
 25 of part IV of subchapter A of chapter 1 of the Internal

1 Revenue Code of 1986 (as added by this section) take ef-  
2 fect.

3 **SEC. 6. PROHIBITIONS OF DISPOSAL WITHOUT RECYCLING.**

4 (a) DISPLAY SCREEN AND SYSTEM UNIT DISPOSAL  
5 BAN.—

6 (1) IN GENERAL.—Effective beginning on the  
7 date that is 3 years after the date of enactment of  
8 this Act, if the Administrator determines that a ma-  
9 jority of households in the United States have suffi-  
10 cient access to a recycling service for display screens  
11 and system units, it shall be unlawful for the oper-  
12 ator of a landfill, incinerator, or any other facility  
13 for the transfer, disposal, or storage of municipal  
14 solid waste to knowingly receive from a consumer a  
15 display screen or system unit, except for the purpose  
16 of recycling or arranging for the recycling of the dis-  
17 play screen or system unit by a recycler certified as  
18 an eligible recycler by the Administrator.

19 (2) PROCEDURES.—Not later than 180 days  
20 after the date of enactment of this Act, the Adminis-  
21 trator shall develop and issue guidelines covering  
22 waste handlers and waste transfer stations to assist  
23 in developing recycling procedures for display  
24 screens and system units.

1           (3) EXEMPTIONS.—As part of the guidelines  
 2           issued pursuant to paragraph (2), the Administrator  
 3           shall classify display screens and system units as  
 4           universal waste and provide for the exemption of dis-  
 5           play screens and system units from the requirements  
 6           of the Solid Waste Disposal Act (42 U.S.C. 6901 et  
 7           seq.) as necessary to facilitate the collection, storage,  
 8           and transportation of display screens and system  
 9           units for the purpose of recycling.

10          (b) ENFORCEMENT.—A violation of subsection (a) by  
 11          any person or entity shall be subject to enforcement under  
 12          applicable provisions of the Solid Waste Disposal Act (42  
 13          U.S.C. 6901 et seq.).

14      **SEC. 7. RECYCLING OF DISPLAY SCREENS AND SYSTEM**  
 15                              **UNITS PROCURED BY THE FEDERAL GOVERN-**  
 16                              **MENT.**

17          (a) DEFINITION OF EXECUTIVE AGENCY.—In this  
 18          section, the term “executive agency” has the meaning  
 19          given the term in section 11101 of title 40, United States  
 20          Code.

21          (b) REQUIREMENT FOR RECYCLING.—The head of  
 22          each executive agency shall ensure that each display  
 23          screen and system unit procured by the Federal Govern-  
 24          ment—

1           (1) is recovered upon the termination of the  
2       need of the Federal Government for the display  
3       screen or system unit; and

4           (2) is recycled by a recycler certified as an eligi-  
5       ble recycler by the Administrator through—

6           (A) a program established after the date of  
7       enactment of this Act by the executive agency,  
8       either alone or in conjunction with 1 or more  
9       other executive agencies; or

10          (B) any other program for recycling or  
11       reusing display screens and system units.

12 **SEC. 8. NATIONWIDE RECYCLING PROGRAM.**

13       (a) STUDY.—

14           (1) IN GENERAL.—The Administrator, in con-  
15       sultation with appropriate executive agencies (as de-  
16       termined by the Administrator), shall conduct a  
17       study of the feasibility of establishing a nationwide  
18       recycling program for electronic waste that preempts  
19       any State recycling program.

20           (2) INCLUSIONS.—The study shall include an  
21       analysis of multiple programs, including programs  
22       involving—

23           (A) the collection of an advanced recycling  
24       fee;

25           (B) the collection of an end-of-life fee;



1 (C) producers of electronics assuming the  
2 responsibility and the cost of recycling elec-  
3 tronic waste; and

4 (D) the extension of a tax credit for recy-  
5 cling electronic waste.

6 (b) REPORT.—Not later than 1 year after the date  
7 of enactment of this Act, the Administrator shall submit  
8 to Congress a report describing—

9 (1) the results of the study conducted under  
10 subsection (a);

11 (2) 1 or more prospective nationwide recycling  
12 programs, including—

13 (A) a cost-benefit analysis of each pro-  
14 gram, including—

15 (i) the cost of the program to—

16 (I) consumers;

17 (II) manufacturers;

18 (III) retailers; and

19 (IV) recyclers; and

20 (ii) the estimated overhead and ad-  
21 ministrative expenses of carrying out and  
22 monitoring the program; and

23 (B) the quantity of display screens and  
24 system units projected to be recycled under the  
25 program;

1           (3)(A) the benefits of establishing a nationwide  
 2           take-back provision that would require, as part of  
 3           the program, all manufacturers of display screens or  
 4           system units for sale in the United States to collect  
 5           and recycle, or arrange for the recycling of, display  
 6           screens and system units; and

7           (B) a projection of the quantity of display  
 8           screens and system units that would be recycled an-  
 9           nually under a nationwide take-back provision;

10          (4)(A) any emerging electronic waste streams,  
 11          such as—

12                   (i) cellular telephones; and

13                   (ii) personal digital assistants; and

14          (B) a cost-benefit analysis of including an  
 15          emerging electronic waste stream in a national recy-  
 16          cling program; and

17          (5) the progress of the Administrator in car-  
 18          rying out section 6, including—

19                   (A) information on enforcement of the pro-  
 20                   hibition; and

21                   (B) any increase in recycling as a result of  
 22                   the prohibition.

○